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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,456

12/22/2006

Paul Joseph Bingham

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EXAMINER

LARSON, JUSTIN MATTHEW

ART UNIT

PAPER NUMBER

3782

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,456	Applicant(s) BINGHAM, PAUL JOSEPH	
	Examiner Justin M. Larson	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/14/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Australia on 10/20/03. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings do not contain lines that are durable, clean, sufficiently dense and dark, and uniformly thick and well-defined such that adequate reproduction is possible in accordance with 37 CFR 1.84(l). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the originally filed disclosure does not mention an "eyelet" as set forth in claim 13.

Claim Objections

4. Claim 1 is objected to because the wording "the cover being releasable relative for movement to" in line 8 does not read correctly. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-5 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, it is unclear what structure is within the scope of the language "captively attached". Examiner assumes that any structure held within any other structure is captively attached.

Regarding claim 13, it is unclear what structure is within the scope of the term "eyelet" as it is not mentioned in the originally filed disclosure. Examiner assumes that any opening or aperture can be considered an eyelet.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-10, 14, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt et al. (DE 4315029 A1).

Examiner notes that the claims as currently presented positively claim only the subcombination support assembly where any mention of the roof bar is purely functional.

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Regarding claim 1, Schmidt discloses a support assembly including: a base (2) as claimed; a user manipulated part (9) as claimed; a movable cover (4) as claimed; and a lock (6) as claimed.

Regarding claim 2, the cover is captively attached to the base (Figures).

Regarding claim 3, the cover is releasable for pivoting movement about an axis (through 3c) and along a predetermined path (arcuate patch through which end of cover moves).

Regarding claim 4, the axis is generally horizontal (Figures).

Regarding claim 5, the path is located in a vertical plane (arcuate path mentioned above passes through a vertical plane).

Regarding claim 6, the movement is provided by projections (4c) on said cover slidably engaged in tracks (3c) on said base.

Regarding claim 7, the lock includes a lock cylinder (Figures).

Regarding claim 8, the base has a cavity (between 2a) via which a user has access to the part (9).

Regarding claim 9, the part (9) is a threaded shaft.

Regarding claim 10, the longitudinal axis of the shaft is generally vertical (Figures).

Regarding claim 14, the lock cylinder is key operable (Figures).

Regarding claim 18, Schmidt discloses a roof bar (1) having a mounting portion (1a) with a flange (Figures).

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9. Claims 1-5 and 7-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Stemmler (EP 694441 A1).

Examiner notes that the claims as currently presented positively claim only the subcombination support assembly where any mention of the roof bar is purely functional.

Regarding claim 1, Stemmler discloses a support assembly including: a base (3a) as claimed; a user manipulated part (12) as claimed; a movable cover (17) as claimed; and a lock (18) as claimed.

Regarding claim 2, the cover is captively attached to the base (Figures).

Regarding claim 3, the cover is releasable for pivoting movement about an axis (can pivot about 17a as it is removed if a user so pivots) and along a predetermined path (arcuate patch through which end of cover moves).

Regarding claim 4, the axis is generally horizontal (Figures).

Regarding claim 5, the path is located in a vertical plane (arcuate path mentioned above passes through a vertical plane).

Regarding claim 7, the lock includes a lock cylinder (Figures).

Regarding claim 8, the base has a cavity (3c is shown recessed) via which a user has access to the part (12).

Regarding claim 9, the part (12) is a threaded shaft.

Regarding claim 10, the longitudinal axis of the shaft is generally vertical (Figures).

Regarding claim 11, Stemmler discloses a securing member (14) tensioned by the part (12).

Regarding claim 12, the securing member is a strap assembly including a strap body (14) having a threaded portion (that received 12).

Regarding claim 13, the strap includes an eyelet (threaded portion through which 12 is received).

Regarding claim 14, the lock cylinder is key operable (Figures).

Regarding claim 15, Stemmler discloses a mounting adapter (14).

Regarding claim 16, Stemmler discloses a securing member (8).

Regarding claim 17, the securing member (8) is a threaded fastener.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571)272-8649. The examiner can normally be reached on Monday-Friday, 9a-5p (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin M Larson/
Examiner, Art Unit 3782
12/21/09